

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RHONDA L. BREARD,

Defendant.

NO. MJ10-101 JPD

ORDER GRANTING STIPULATED
APPLICATION
FOR A PRE-INDICTMENT
PROTECTIVE ORDER
TO PRESERVE REAL PROPERTY

**PRE-INDICTMENT PROTECTIVE ORDER PURSUANT
TO 21 U.S.C. § 853 TO PRESERVE REAL PROPERTY
SUBJECT TO FORFEITURE UNDER 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C § 2461(c)**

The United States and RHONDA L. BREARD have jointly stipulated and moved this Court, pursuant to 21 U.S.C. § 853(e)(1)(B), for a protective order to preserve the availability of certain real property that is currently or potentially subject to criminal forfeiture. Upon consideration of the joint stipulation and motion, it appears to the Court that there is reasonable cause to enter a restraining order to preserve the subject real property based upon the following:

1. That RHONDA L. BREARD is currently the subject of a federal investigation concerning Mail Fraud, in violation of violations of 18 U.S.C. § 1341. The United States anticipates seeking an indictment based on said alleged violations, including criminal forfeiture under 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) of the following certain real property in which RHONDA L. BREARD has an interest:

- (a) The real property located at 6625 Ripley Lane North, Renton, Washington, King County Parcel Number 334330-2440, together with its Buildings, Improvements, Appurtenances, Fixtures, Attachments, and Easements, more particularly described as:

Lots 31 and 32, Block B, C.D. Hillman's Lake Washington Garden of Eden Addition to Seattle Division No. 3, according to the Plat thereof recorded in Volume 11 of Plats, Page(s) 81 in King County, Washington; together with Second Class Shorelands Adjoining;
- (b) The real property located at 23812 NE 61st Street, Redmond, Washington, King County Parcel Number 102506-9033, together with its Buildings, Improvements, Appurtenances, Fixtures, Attachments, and Easements, more particularly described as:

Lot 1, King County Short Plat Number L95S0033, Recorded Under Recording Number 20000202900008, in King County, Washington

Together with and easement for access and utilities across Tract C2 of King County Short Plat Number L95S0033 and Tract C1 of King County Short Plat Number L95S0034, recorded under Recording Number 20000202900009;
- (c) The real property located at 24603 NE 126th Street, Duvall, Washington, King County Parcel Number 262606-9025, together with its Buildings, Improvements, Appurtenances, Fixtures, Attachments, and Easements, more particularly described as:

Lot 4 of King County Short Plat No. R978113, recorded under Recording No. 8503130622, Records of King County, Washington, said Short Plat is a revision of Short Plat recorded under Recording No. 7908240838; together with an easement for ingress, egress, and utilities described as Tract "X" in said Short Plat

2. That, upon conviction, there is a substantial probability that the United States will prevail on the issue of forfeiture, and that failure to enter a protective order at this time could result in the property being made unavailable for forfeiture to the United States upon conviction.

3. That destruction or the transfer, movement, conveyance, or encumbrance of the subject real property by the defendant or any third party could render said real property unavailable for forfeiture.

4. That the need to preserve the availability of the subject real property through the entry of the order requested herein outweighs the hardship on any party against whom the order is to be entered.

1 5. That any third party claims to the subject real property may be properly brought and
2 resolved in ancillary proceedings conducted by this Court following the execution of a
3 Preliminary Order of Forfeiture in accordance with the provisions of federal forfeiture law.

4 THEREFORE, IT IS HEREBY ORDERED AND DECREED:

5 1. That RHONDA L. BREARD, her agents, servants, employees, attorneys, family
6 members and those persons in active concert or participation with them, and those persons or
7 entities who have any interest or control over the subject real property are hereby restrained,
8 without prior approval of this Court and upon notice to the United States and an opportunity for
9 the United States to be heard, from attempting or completing any action that would affect the
10 availability, marketability or value of said property, including but not limited to selling,
11 assigning, pledging, distributing, encumbering, wasting, secreting, depreciating, damaging, or in
12 any way diminishing the value of, all or any part of their interest, direct or indirect, in the
13 following real property:

14 (a) The real property located at 6625 Ripley Lane North, Renton, Washington,
15 King County Parcel Number 334330-2440, together with its Buildings,
16 Improvements, Appurtenances, Fixtures, Attachments, and Easements,
17 more particularly described as:

18 Lots 31 and 32, Block B, C.D. Hillman's Lake Washington Garden of Eden
19 Addition to Seattle Division No. 3, according to the Plat thereof recorded
20 in Volume 11 of Plats, Page(s) 81 in King County, Washington; together
21 with Second Class Shorelands Adjoining;

22 (b) The real property located at 23812 NE 61st Street, Redmond, Washington,
23 King County Parcel Number 102506-9033, together with its Buildings,
24 Improvements, Appurtenances, Fixtures, Attachments, and Easements,
25 more particularly described as:

26 Lot 1, King County Short Plat Number L95S0033, Recorded Under
27 Recording Number 20000202900008, in King County, Washington

28 Together with and easement for access and utilities across Tract C2 of
 King County Short Plat Number L95S0033 and Tract C1 of King County
 Short Plat Number L95S0034, recorded under Recording Number
 20000202900009;

 (c) The real property located at 24603 NE 126th Street, Duvall, Washington,
 King County Parcel Number 262606-9025, together with its Buildings,
 Improvements, Appurtenances, Fixtures, Attachments, and Easements,
 more particularly described as:

1 Lot 4 of King County Short Plat No. R978113, recorded under Recording
2 No. 8503130622, Records of King County, Washington, said Short Plat is a
3 revision of Short Plat recorded under Recording No. 7908240838;
4 together with an easement for ingress, egress, and utilities described as
5 Tract "X" in said Short Plat

6 2. That the United States or any Subject of this Order may seek modifications of this
7 Order if it is deemed necessary by them to preserve their interest in the subject real property.

8 3. The Clerk is Ordered to send copies of this Order to counsel for all parties of record.

9 IT IS FURTHER ORDERED that any Subject of this Order shall be permitted to execute
10 a satisfactory performance bond pursuant to 21 U.S.C. § 853(e)(1) as an alternative to the
11 restraint of the subject real property. After notice to the United States and an opportunity to be
12 heard, the Court shall determine whether any proposed bond is a satisfactory performance bond.
13 This Order shall be in effect until such time as the Court determines that the proffered bond is
14 satisfactory.

15 DATED this 15 day of March, 2010.

16 

17 RICARDO S. MARTINEZ
18 UNITED STATES DISTRICT JUDGE

19 Recommended for entry
20 this 15th day of March, 2010:

21 s/ JAMES P. DONOHUE
22 United States Magistrate Judge
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